

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

786844

PHELAN HALLINAN DIAMOND & JONES, PC

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Mt. Laurel, NJ 08054

856-813-5500

ATTORNEYS FOR CALIBER HOME LOANS, INC.

In Re:

JAMES WILLIAMS A/K/A JAMES L. WILLIAMS



Order Filed on August 8, 2017
by Clerk

U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-32320

Hearing Date: 7/25/2017

Judge: Michael B Kaplan

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: August 8, 2017

A handwritten signature in black ink, appearing to read "Michael B. Kaplan", is written over a horizontal line.
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: CALIBER HOME LOANS, INC.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: Stacey L. Mullen, Esquire
Property Involved ("Collateral"): 31 Nippins Avenue, Mount Holly, NJ 08060

Relief sought: ☒ **Motion for relief from the automatic stay**
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for **8** months, from **December 1, 2016** to **July 1, 2017**.
- ☒ The Debtor is overdue for **8** payments at **\$1,589.74** per month.
- ☐ The Debtor is assessed for _____ late charges at \$_____ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$_____ received after the motion was filed.

Total Arrearages Due \$12,717.92.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of **\$2,500.00**. Payment shall be made no later than .
- ☒ Beginning on **August 1, 2017**, regular monthly mortgage payments shall continue to be made.
- ☒ Beginning on **August 1, 2017**, additional monthly cure payments shall be made in the amount of **\$729.86** for **13** months.
- ☒ On **September 1, 2018**, additional monthly cure payment shall be made in the amount of **\$729.74**

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Caliber Home Loans, Inc

P.O. Box 650856

Dallas, TX 75265-0856

☒ Regular Monthly payment:

Same as above

☒ Monthly cure payment:

Same as above

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than

thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
James L. Williams
Debtor

Case No. 16-32320-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 12, 2017.

db +James L. Williams, 31 Nippins Avenue, Mt. Holly, NJ 08060-2040

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 12, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 10, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor JPMORGAN CHASE BANK, N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Jill Manzo on behalf of Creditor CALIBER HOME LOANS, INC. bankruptcy@feinsuch.com
John R. Morton, Jr. on behalf of Creditor American Honda Finance Corporation
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com;mhazlett@mortoncraig.com
John R. Morton, Jr. on behalf of Creditor American Honda Finance Corp.
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com;mhazlett@mortoncraig.com
Michael Frederick Dingerdissen on behalf of Creditor CALIBER HOME LOANS, INC.
nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor CALIBER HOME LOANS, INC. nj.bkecf@fedphe.com
Stacey L. Mullen on behalf of Debtor James L. Williams slmullen@comcast.net

TOTAL: 8